

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-735

October 3, 2000

VERIZON NEW ENGLAND, INC.
D/B/A VERIZON MAINE
Request for Approval of Interconnection
Agreement Amendment with
Conversent Communications of Maine, LLC

ORDER APPROVING
AMENDMENT NO. 2 TO
INTERCONNECTION
AGREEMENT WITH
CONVERSENT
COMMUNICATIONS OF MAINE,
LLC

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order, we approve an amendment to an Interconnection Agreement between New England Telephone and Telegraph Company d/b/a Bell Atlantic - Maine (Bell Atlantic) (f/k/a NYNEX) and Conversent Communications of Maine, LLC (Conversent), pursuant to section 252 of the Telecommunications Act of 1996.

Conversent was formerly known as New England Voice and Data, LLC (NEVD). The Commission previously approved an interconnection agreement between NEVD and Bell Atlantic in Docket No. 98-843 on November 24, 1998 (the NEVD agreement). The NEVD agreement incorporates terms and conditions of an earlier interconnection agreement between New England Telephone and Telegraph Company d/b/a NYNEX and New England Fiber Communications, L.L.C., approved by the Commission in Docket No. 97-502 on August 26, 1997.

On February 15, 2000, in Docket No. 2000-38, the Commission approved Amendment No. 1 to the interconnection agreement between Bell Atlantic and NEVD (Conversent). On August 1, 2000, Bell Atlantic changed its name to Verizon New England, Inc. d/b/a Verizon Maine.

On August 31, 2000, Verizon Maine filed Amendment No. 2 to its agreement with Conversent pursuant to 47 U.S.C. § 252, enacted by the Telecommunications Act of 1996. Interconnection agreements provide for interconnection between an incumbent local exchange carrier (ILEC) and another telecommunications carrier, including a competitive local exchange carrier (CLEC). An interconnection agreement may allow a telecommunications carrier to purchase unbundled network elements, or local services at a discounted wholesale rate (the discount reflecting avoided cost), or both, from an ILEC (or CLEC). The amendment responds to an order issued on November 5, 1999 by the Federal Communications Commission in CC Docket No. 96-98 (The "UNE Remand Order") and a November 24, 1999 supplemental order in the same proceeding.

Section 252(e)(2) states that a state commission may reject a negotiated agreement only if it finds that "the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement" or if "the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity." We received no comments by the comment deadline set in a September 7, 2000 Notice of Agreement and Opportunity to Comment. We do not make either of the findings set for in section 252(e)(2) for rejection, and we therefore approve the agreement amendment.

We qualify our approval in two respects, however, and reserve findings on future potential issues. First, we reserve judgment on whether the rates contained in the amended agreement are reasonable from the perspective of Verizon Maine's retail ratepayers. Verizon Maine is presently under an alternative form of regulation (AFOR) ordered by the Commission in Docket No. 94-123. The AFOR began in December, 1995. Under the AFOR, Verizon Maine bears the risk of lost revenues resulting from rates that are too low. In Docket No. 99-851, we have proposed to continue the AFOR beyond five years in modified form. We do not resolve whether Verizon Maine is receiving reasonable compensation from any CLECs that may avail themselves of the rates provided to Conversent pursuant to 47 U.S.C. § 252(i).

Second, section 271(c) of the Act, 47 U.S.C. § 271(c), requires that the Bell Operating Companies (BOCs) meet certain requirements before they are allowed to provide interLATA service (the so-called "competitive checklist"). Under section 271(d)(3), the Federal Communications Commission (FCC) must determine whether the BOC has met the competitive checklist before granting the BOC authority to provide interLATA service within its region. Prior to making that determination, the FCC must consult with state commissions to verify the compliance of the BOC with the checklist. Our approval of this agreement amendment should not be construed as a finding that Verizon Maine has met those requirements.

The agreement amendment filed by Verizon Maine provides for interconnection between Conversent and Verizon Maine's network in Maine. If Conversent seeks to interconnect with networks maintained by independent local exchange carriers in Maine, it must seek a termination, suspension, or modification of the exemption contained in 47 U.S.C. 251(f)(1)(A).

ORDERING PARAGRAPHS

Accordingly, we

1. Approve Amendment No. 2 filed by Verizon New England, Inc. d/b/a Verizon Maine to the Interconnection Agreement between New England Telephone and

Telegraph Company d/b/a Bell Atlantic - Maine (f/k/a NYNEX) and Conversent Communications of Maine, LLC attached hereto, pursuant to 47 U.S.C. § 252(e); and

2. Order that the Administrative Director shall make a copy of the attached Agreement available for public inspection and copying pursuant to 47 C.F.R. § 252(h) within 10 days of the date of this Order.

Dated at Augusta, Maine, this 3rd day of October, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond

COMMISSIONER ABSENT: Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.